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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: LIVAK et al. Confirmation No.: 9176
Serial No.: 09/816,150 Art Unit: 1634
Filed: March 26, 2001 Examiner: Fredman, J.N.
For: IMPROVED INVASION ASSAY Attorney Docket No.: 9584-018-999
(JD 103639-999017)

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated May 3, 2004 of the Primary Examiner finally rejecting claims 1-5, 8-11 and 14-16 of the above-identified application.

The item(s) checked below are appropriate:

1. ☒ An extension of time for responding to the final rejection for 1 month(s):
☐ was filed on
☒ is submitted herewith.
2. ☒ A timely response to the final rejection is filed herewith.
3. ☒ A fee in the amount of \$330.00 is:
☒ Required.
☐ Not required (Fee paid in prior appeal).
4. ☐ Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of \$165.00 is:
☐ Required.
☐ Not required (Fee paid in prior appeal).
5. ☒ Please charge the required fee, if any, to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed.

Respectfully submitted,

Date: August 31, 2004

Max Bachrach

45,479

(Reg. No.)

for Samuel B. Abrams (Reg. No. 30,605)

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